

REMARKS

Claims 1 – 20 are pending and rejected. The Examiner has rejected claims 1 – 20 under 35 U.S.C. §112, second paragraph for being indefinite. The Examiner has also rejected claims 1 and 8 – 11 under 35 U.S.C. §102(b) for being anticipated by Japanese Patent Application 10 – 310130 (JP '130). The Examiner has also rejected claims 1 – 4, 6 – 18 and 20 under 35 U.S.C. §103(a) for being obvious over U.S. Patents 5,660,322 issued to Jensen (Jensen), 5,503,328 issued to Roccaforte *et. al.* (Roccaforte), 2,974,854 issued to Moore (Moore), 3,306,521 issued to Giacovas (Giacovas), 4,750,609 issued to Felis (Felis) and 3,341,105 issued to Curran (Curran). The Examiner has objected to the drawings for failing to show some of the subject matter claimed in claims 1, 10 and 16.

The applicants have cancelled claim 11; amended claims 1, 3 – 10 and 12 – 20 to address the Examiner's rejections. The applicants have also added claims 21 – 23. The applicants respectfully disagree with the Examiner's rejection of claims 1 and 8 – 10, as amended, under 35 U.S.C. §102(b) and the Examiner's rejection of claims 1, 3 – 4, 6 – 10, 12 – 18 and 20, as amended, under 35 U.S.C. §103(a), and believe the claims, as amended, are in condition for allowance for the reasons discussed below.

Rejection of claims 1 and 10 under 35 U.S.C. §102(b)

The applicants respectfully disagree with the Examiner's rejection of claims 1 and 10 over JP '130 because JP '130 fails to disclose all the elements of claims 1 and 10, as amended. More specifically, JP '130 fails to disclose a box that includes two top flaps each having an attachment strip and a tear strip, and that can be closed a second time with one of the two top flaps.

The applicants' claims 1 and 10, as amended, respectively claim a box (20 in FIG. 1) and a blank (30 in FIG. 2) that can be used to form the box 20. The box 20 and blank 30 each include a first top flap (24c in FIGS. 1 and 2) having an attachment strip (26c in FIGS. 1 and 2) and a tear strip (28c FIGS. 1 and 2), and a second top flap (24d

in FIGS. 1 and 2) having an attachment strip (26d in FIGS. 1 and 2) and a tear strip (28d in FIGS. 1 and 2). To close the box 20 a first time, the attachment strip 26c may be used to attach the first top flap 24c to a third top flap (24a in FIGS. 1 and 2). Then, to open the box, the tear strip 28c may be used to release the first top flap 24c from the third top flap 24a. To close the box a second time, the attachment strip 26d may be used to attach the second top flap 24d to a fourth top flap 24b. Then, to open the box a second time, the tear strip 28d may be used to release the second top flap 24d from the fourth top flap 24b.

In contrast, JP '130 discloses a box that includes two flaps 1 and two cover plates

2. The box disclosed in JP '130 is closed by attaching both cover plates 2 to each flap
 1. If only one cover plate 2 is attached to both flaps 1 the box will remain open.Because both cover plates 2 must be attached to each flap 1 to close the box, one must either re-glue or re-tape one or both of the cover plates 2 to each flap 1, to use the box a second time. Thus, the box disclosed in JP '130 does not include a cover plate 2 that may remain unattached to the flaps 1 when the box is closed, and thus available to close the box a second time.

Therefore, because the box disclosed in JP '130 does not include a second top flap that may be used to close the box a second time and that has an attachment strip and a tear strip, JP '130 fails to anticipate the applicants' box claimed in amended claims 1 and 10.

Rejection of claims 1, 10, 16 and 20 under 35 U.S.C. §103(a)

Before discussing the merits of the Examiner's rejection, please note that claim 20 has been amended to indirectly depend from the independent claim 16 and a new independent claim 21 has been added.

The applicants respectfully disagree with the Examiner's rejection of claims 1, 10, 16 because Jensen, Felis, Roccaforte and Moore fail to support a *prima facie* case for obviousness. Jensen, Felis, Roccaforte and Moore fail to teach or suggest all of the claim limitations in claims 1, 10 and 16 as amended. More specifically, Jensen, Felis,

Roccaforte and Moore fail to teach or suggest a first top flap that is attachable to a third top flap to close the box one time and a second top flap that is attachable to a fourth top flap to close the box a second time as claimed in amended claims 1, 10 and 16.

To establish a *prima facie* case of obviousness, three basic elements are required. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. And third, the references when combined must teach or suggest all the claim limitations. MPEP; 8th edition; §2143.

The applicants' claims 1 and 16, as amended, each claim a box 20, and the applicants' claim 10, as amended claims a blank 30 that can be used to form the box 20. The box 20 and blank 30 each include a first top flap 24c having an attachment strip 26c to attach the first top flap 24c to a third top flap 24a, and a tear strip 28c to release the first top flap 24c from the third top flap 24a. Furthermore, as amended, the applicants' claims 1, 10 and 16 each claim a second top flap 24d that includes an attachment strip 26d to attach the second top flap 24d to the a fourth top flap 24b, and a tear strip 28d to release the second top flap 24d from the fourth top flap 24b. The box 20 may be closed for use by attaching the first top flap 24c to the third top flap 24a. And then closed for a second use by attaching the second top flap 24d to the fourth top flap 24b.

In contrast, when combined, Jensen, Felis, Roccaforte and Moore fail to teach or suggest a box that includes a first top flap that may be attached to a third top flap to close the box one time, and a second top flap that may be attached to the fourth top flap to close the box a second time.

Jensen, Felis, and Moore each teach or suggest a box having a main top flap (30 in FIGS. 1 and 4 of Jensen; 11 in FIGS. 1 and 2 of Felis; and 12 in FIGS. 2 and 3 of Moore) that may be attached to other top flaps to close their respective boxes. Jensen, Felis and Moore fail to teach or suggest a tear strip to release the main top flap from the other top flaps to open their respective boxes. Furthermore, Jensen, Felis and Moore fail to teach or suggest closing their respective boxes a second time by attaching a second, previously unattached, top flap either to the main top flap or a fourth top flap.

Roccaforte teaches or suggests an envelope (322 in FIG. 8) and blank (420 in FIG. 10) that can be used to form the envelope 322. The envelope 322 and blank 420 each include closure flaps (328 and 344 in FIG. 8, and 432 and 436 in FIG. 10) that are each attachable to a rear panel (not numbered in FIG. 8 and 424 in FIG. 10) to close the envelope 322. During each use of the envelope both closure flaps 328 and 344 are attached to the rear panel. If only one closure flap 328 or 344 is attached to the rear panel the envelope will remain open.

Thus, the combination of Jensen, Felis, Roccaforte and Moore teaches or suggests at most a box having closure flaps that are each attachable to a main top flap to close the box. During each use of the box both closure flaps must be attached to the main top flap to close the box.

Therefore, when combined, Jensen, Felis, Roccaforte and Moore fail to support a *prima facie* case of obviousness because Jensen, Felis, Roccaforte and Moore fail to teach or suggest a box as claimed in the applicants' amended claims 1, 10 and 16. When combined, Jensen, Felis, Roccaforte and Moore fail to teach or suggest a box that includes a first top flap that may be attached to a third top flap to close the box one time, and a second top flap that may be attached to a fourth top flap to close the box a second time.

Conclusion

Claims 1, 10, and 16 are believed to be allowable over JP '130, Jensen, Felis, Roccaforte and Moore, as well as claims 2 – 9, 12 – 15, 17 – 20 because of their respective dependency from claims 1, 10 and 16. Furthermore, applicants' believe the newly added claims 21 – 23 are allowable. Applicants respectfully request the Examiner withdraw his rejection of claims 1 – 10 and 12 – 20 in view of applicants' amendments and remarks and issue an allowance for the claims 1 – 10 and 12 – 23.

Should any additional fees be required because of this amendment, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, John Janeway, at (425) 455-5575.

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Respectfully submitted,

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